

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JAMES MATSON, on behalf of himself
and all other similarly situated,

Plaintiff,

V.

NVIDIA CORPORATION, ATI
TECHNOLOGIES, INC. and
ADVANCED MICRO DEVICES,

Defendants.

Case No. 06-CA-12286-DPW

**ASSENTED TO MOTION TO EXTEND
TIME TO RESPOND TO COMPLAINT
AND REGARDING SCHEDULING OF
RULE 16 CONFERENCE**

Defendants Nvidia Corporation (“Nvidia”), ATI Technologies, Inc. and Advanced Micro Devices, Inc. (collectively “AMD”), with the assent of Plaintiff James Matson, hereby move to extend the time to respond to the Complaint on file in this action and to postpone any Rule 16 conference in this action. This motion is not intended to waive and does not waive any defenses that Defendants may have, including, but not limited to, the defenses of insufficiency of the service of process, improper venue, and lack of personal jurisdiction.

1. On December 22, 2006, Plaintiff filed the Complaint, which alleges claims under Section 1 of the Sherman Act, 15 U.S.C. § 1, and under state antitrust and consumer protection laws. Plaintiff has styled the Complaint as a putative class action.

2. As of the date of this Stipulation, at least 20 other complaints have been filed in this and other judicial districts. All of these complaints also allege federal and/or state law antitrust claims against Nvidia and AMD and are styled as putative class actions.

3. On December 8, 2006, plaintiffs in some of these other actions collectively filed a motion before the Judicial Panel on Multidistrict Litigation (“JPML”) to transfer and consolidate in the Northern District of California all existing and subsequently filed antitrust actions related

to the claims alleged in the Complaint. On January 16, 2007, AMD and Nvidia filed a response with the JPML proposing that the Panel consolidate these actions in the Northern District of California, San Jose Division, or, in the alternative, in the Northern District of California, San Francisco Division.

4. In light of the multiplicity of complaints on file and the pending motion before the JPML, Defendants hereby move, with Plaintiff's assent, to extend the time for Nvidia and AMD to answer or otherwise respond to the Complaint to 30 days after (1) the order resolving the JPML motion, and (2) the filing and service of any subsequent consolidated complaint, without prejudice to the right of Nvidia or AMD to seek additional time to answer or otherwise respond to the Complaint for good cause shown.

5. Defendants also move, with Plaintiff's assent, that the Court not schedule a Rule 16 conference, pursuant to Local Rule 16.1, until the order resolving the JPML motion is issued and it is determined whether this action will remain pending in this district.

6. The parties respectfully request that the Court grant the relief sought herein.

Respectfully submitted,

Dated: January 19, 2007

NVIDIA CORPORATION

By its attorneys,

/s/ Sarah P. Kelly

Kathryn K. Conde (BBO # 634647)

Sarah P. Kelly (BBO #664267)

NUTTER, McCLENNEN & FISH LLP

World Trade Center West

155 Seaport Boulevard

Boston, MA 02210

(617) 439-2000

Dated: January 19, 2007

ATI TECHNOLOGIES, INC. and
ADVANCED MICRO DEVICES, INC.

By their attorneys,

/s/ Ethan J. Brown

Ethan J. Brown (BBO # 634982)
LATHAM & WATKINS LLP
633 West Fifth Street, Suite 4000
Los Angeles, CA 90071-2007
(213) 485-1234

Dated: January 19, 2007

JAMES MATSON

By his attorneys,

/s/ Daniel D'Angelo

Kenneth G. Gilman (BBO # 192760)
Daniel D'Angelo (BBO # 630321)
GILMAN AND PASTOR LLP
225 Franklin Street, 16th Floor
Boston, MA 02110
(617) 742-9700

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on January 19, 2007.

Dated: January 19, 2007

/s/ Sarah P. Kelly

Sarah P. Kelly

1597685.1